



September 1, 2021

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009

RE: FOIA Request for Records Related to the Confinement of People by ICE at the Irwin County Detention Center

Dear Freedom of Information Officer:

This letter is a request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, by he Black Alliance for Just Immigration, Community Estrella, Detention Watch Network, the Government Accountability Project, Innovation Law Lab, Migrant Equity Southeast, the National Center for Law and Economic Justice (“NCLEJ”), Sister Song, Somos South Georgia, and Sur Legal Collaborative (“Sur Legal”) (collectively, “the Requesters”). The Requesters seek records from U.S. Immigration and Customs Enforcement (“ICE”) related to the confinement of people by ICE at the Irwin County Detention Center (“ICDC”), a jail in Ocilla, Georgia that is operated by the for-profit company LaSalle Corrections. We also seek expedited processing of this request and a fee waiver. *See* 5 U.S.C. §§ 552(a)(6)(E), 552(a)(4)(A)(iii).

Definitions

“Records”—all records or communications preserved in electronic or written form, including but not limited to: text communications between phones or other electronic devices (including but not limited to communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, Gchat, Twitter direct message, or similar form of communication), including those sent through personal devices or accounts; e-mails (including those in personal accounts); images, video, and audio, including that recorded on cell phones; voicemail messages; social-media posts; minutes or notes of meetings and phone calls; faxes; documents; data; correspondence; letters; messages; notes; contracts or agreements; memoranda of understanding; files; forms, including but not limited to I-205 forms, I-213 forms, and I-247 or I-247-related forms; logs; records; guidance; guidelines; formal and informal presentations; evaluations; audits; investigations; reviews; studies; reports; critiques; analyses; internal memoranda; legal opinions; orders; directives; instructions; training materials; criteria; standards; specifications; rules; instructions; manuals; advisories; bulletins; alerts; updates; reports; protocols; procedures; policies; or other communications.

“DHS” includes any sub-agency within the Department of Homeland Security, including Immigration and Customs Enforcement (“ICE”), Customs and Border Protection (“CBP”), and U.S. Border Patrol.

Records Requested

We seek copies of the following records related to the confinement of people under the authority of DHS at ICDC:

1. all records showing agreements between the Department of Homeland Security (“DHS”) or any of its component agencies and LaSalle Corrections or any of its subsidiaries concerning ICDC;
2. all records showing modifications to or the cancellation of any agreements between DHS or any of its component agencies and LaSalle Corrections or any of its subsidiaries concerning ICDC;
3. all records showing communications to or from DHS or any of its component agencies and municipal, county, state, or federal officials, including but not limited to elected officials and their staff, concerning ICDC;
4. all records showing guidance, guidelines, rules, directives, policies, procedures, standards, or trainings pertaining to detainee transfers at ICDC.

Request for Expedited Processing

Sur Legal and NCLEJ request Track 1 expedited processing of this Request pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e). There is a “compelling need” for these records, as defined in the statute and its implementing regulations, because the records and information requested are “urgen[tly]” needed by Sur Legal and NCLEJ, organizations primarily engaged in disseminating information, “to inform the public about an actual or alleged federal government activity.” 6 C.F.R. § 5.5(e)(1)(ii); *see also* 5 U.S.C. § 552(a)(6)(E)(v)(II).

Sur Legal and NCLEJ are organizations primarily engaged in disseminating information to inform the public about actual or alleged federal government activity.

NCLEJ is “primarily engaged in disseminating information” within the meaning of the statute and its implementing regulations. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(e)(1)(ii). NCLEJ’s mission is to advance the cause of economic justice for low-income individuals, families, and communities across the country, including in the State of Georgia. NCLEJ’s work and primary activities include obtaining records and information about federal government activity, reviewing and analyzing such records and information, and publishing and sharing such records and information to the press and public. NCLEJ regularly publishes blog posts and statements on its website to provide information, analysis, and commentary regarding civil rights issues affecting low-income people, individuals with disabilities, and communities of color.¹ NCLEJ also issues press releases to call

¹ *See, e.g.*, Nat’l Ctr. for Law & Econ. J., *NCLEJ Condemns Trump Administration’s Rule to Rollback ACA’s Non-Discrimination Provisions and Applauds SCOTUS Protection for LGBTW+ People*, June 16, 2020, <https://nclej.org/news/trump-aca-discrimination-lgbtq>.

attention to documents obtained through FOIA requests as well as other breaking news.² NCLEJ attorneys are frequently interviewed for news stories regarding recent government actions and civil rights issues.

Sur Legal is also “primarily engaged in disseminating information” within the meaning of the statute and its implementing regulations. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(e)(1)(ii). Sur Legal’s mission is to advance movements for immigrant and worker rights by providing education and legal support to communities, grassroots groups, and legal advocates to promote an end to labor abuses against workers, ICE detention and illegal deportations, and the prison industrial complex and the police state. Sur Legal’s ultimate goal is to democratize legal knowledge so that immigrant and working-class communities are empowered with the resources necessary to advocate for their rights and continue to lead us in the struggle for a more just society. Sur Legal’s primary activities are unearthing, compiling, and presenting information to communities engaged in movements to advance immigrant and worker rights, including communities engaged in campaigns to shut down detention centers like ICDC and prevent deportations by ICE. Sur Legal staff regularly appear in the news regarding these types of campaigns.³ Since its founding less than a year ago, Sur Legal has regularly published information, commentary, and analysis of developments in policies affecting workers and immigrants through multiple platforms, including Twitter, Facebook, and Instagram.

Sur Legal and NCLEJ plan to review, analyze, publish, and disseminate to the press and public the information and records obtained through this Request at no cost. The records and information requested are not sought for private or commercial use.

The records and information sought are urgently needed to inform the public about actually or alleged federal government activity.

There is a compelling and urgent need to inform the public about the current status of the federal government’s agreements regarding the operation of ICDC. The alleged medical abuse of women confined at ICDC at the behest of ICE – revealed by a whistleblower working at the facility – has made ICDC the subject of intense public scrutiny.⁴ A Congressional delegation⁵ visited the facility,

² *See, e.g.*, Nat’l Ctr. for Law & Econ. J., *Lawsuit Causes FEMA to Disgorge Documents on Accessible Temporary Housing*, Jan. 14, 2020, <https://nclej.org/news/lawsuit-causes-fema-to-disgorge-documents-on-accessible-temporary-housing>.

³ Jeff Amy, “Advocates: Workers here illegally may shy from investigators,” Associated Press (February 1, 2021), available at: <https://apnews.com/article/atlanta-arrests-georgia-us-news-immigration-f95fb731c42f604de6b5c0b6b9f1d069>; Roxanne Scott, “After Chemical Leak At North Georgia Plant, Immigrants Rights Groups Call For More Worker Protections,” WABE (Feb. 1, 2021), available at: <https://apnews.com/article/atlanta-arrests-georgia-us-news-immigration-f95fb731c42f604de6b5c0b6b9f1d069>; Roxanne Scot, “Ga. Advocates Support Biden’s Immigration Plans, Want To See More,” WABE (Jan. 22, 2021), available at: <https://www.wabe.org/some-georgians-support-bidens-immigration-plans-want-to-see-more/>.

⁴ Azadeh Shahshahani and Sarah Paoletti, “The time has come for a reckoning on US immigrant abuse,” Aljazeera (Nov. 22, 2020), available at: <https://www.aljazeera.com/opinions/2020/11/22/the-time-has-come-for-a-reckoning-on-us-immigrant-abuse>.

⁵ Alan Judd, “Georgia ICE detainees tell congressional delegation of unwanted gynecological procedures,” The Atlanta Journal-Constitution (Sept. 26, 2020), available at: <https://www.ajc.com/news/georgia-news/ga-ice-detainees-tell-congressional-delegation-of-unwanted-gynecological->

condemning the alleged forced sterilizations and other unconsented procedures performed by a gynecologist and paid for with taxpayer money. Other members of Congress called for a United Nations inquiry into whether the alleged forced medical procedures on migrant women amounted to human rights abuses committed by DHS.⁶ The disclosure of public records has been vital to informing the public of the previously undisclosed scale of the alleged abuses. In documents released under the Freedom of Information Act, advocates discovered that ICE had misrepresented and undercounted the true number of medical procedures ICE paid to the gynecologist in question: at least eight hysterectomies, not two, 75 other invasive procedures, and 740 office visits.⁷

Amid mounting pressure to shut down the facility, activists confronted President Biden in April 2021 at a public event in Georgia, pressuring him to set a date for the closing of ICDC. National and international media coverage chronicled President Biden's now-famous response: "I agree with you... gimme another five days."⁸ Then, in a memo to ICE in May 2021, DHS Secretary Alejandro Mayorkas ordered ICE to sever its contracts relating to the operation of ICDC and another county jail under federal investigation.⁹ However, the timing of the closing of ICDC – "as soon as possible" – was in stark contrast to the immediate closure called for in the second facility, in Bristol County, Massachusetts.

The lack of clarity in the timeline, coupled with reports that ICDC Warden David Paulk continues to tell staff that "the newspapers are lying" and ICDC is not closing,¹⁰ raise serious questions about government officials' compliance with the terms of Secretary Mayorkas' order. The records requested here will reveal to the public what is ICE's timeline for the closure of a facility where so many human rights abuses have occurred and continue to occur. The consequences of delaying a response here would compromise several recognized interests: the public health concerns of operating a congregate facility with high rates of transmission of communicable diseases amid an ongoing global pandemic in a rural community with limited hospital bed availability, widespread and exceptional media interest in the continued operation of ICDC notwithstanding the government's public announcement of its

[procedures/M5INTOHE7FFB7OVE7OJXYE74MY/](#); "Women Detainees Describe Irwin County Detention Center Conditions As 'Torture' During Congressional Visit," BELatina (Sept. 29, 2020), available at: <https://belatina.com/congress-visit-irwin-county-detention-center-human-rights-violations/>.

⁶ Cristina Marcos, "Progressive lawmakers call for United Nations probe into DHS 'human rights abuses,'" The Hill (Oct. 23, 2020), available at: <https://thehill.com/homenews/house/522538-progressive-lawmakers-call-for-united-nations-probe-into-dhs-human-rights>.

⁷ Alan Judd, "At Georgia immigration jail, warnings about women's medical care went unheeded," The Atlanta Journal-Constitution (June 5, 2021), available at: <https://www.ajc.com/news/at-georgia-immigration-jail-warnings-about-womens-medical-care-went-unheeded/NGAUKGZAXJGZLPZXTWZH5T3QWQ/>.

⁸ Alex Woodward, "I agree with you, gimme another five days': Biden tells hecklers he wants to close private prisons at Georgia rally," The Independent (April 30, 2021), available at: <https://www.independent.co.uk/news/world/americas/us-politics/biden-georgia-rally-speech-protest-b1839959.html>; Brittany De Lea, "Biden heckled in Georgia over private detention centers," Fox News (April 29, 2021), available at: <https://www.foxnews.com/politics/biden-heckled-rally-georgia>.

⁹ Maria Sacchetti, "ICE to stop detaining immigrants at two county jails under federal investigation," The Washington Post (May 20, 2021), available at: https://www.washingtonpost.com/immigration/ice-detentions-county-jails-halted/2021/05/20/9c0bdd1e-b8de-11eb-a6b1-81296da0339b_story.html.

¹⁰ John Washington, José Olivares, "Nothing is Changing': ICE sends detainees to Irwin prison despite pledges to close it," The Intercept (June 3, 2021), available at: <https://theintercept.com/2021/06/03/ice-irwin-closing-open-detainees/>.

impending closure, which is the exact subject of the request, and the incongruence between Sec. Mayorkas' and Warden Paulk's representations regarding the announced closure, a matter of government integrity that affects the public's confidence in its government.


Request for Waiver or Limitation of Fees

The Requesters also seek a full fee waiver on the grounds that disclosure of the requested records is in the public interest and is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor." 5 U.S.C. § 552(a)(4)(A)(iii). As set forth, this request aims at furthering public understanding of government conduct, specifically, what agreements remain in effect between public agencies and private contractors for the operation of ICDC, and if and when those agreements will come to an end. To the Requestors' knowledge, the information requested regarding such agreements is not currently available to the public. Thus, the records' disclosure by definition will contribute significantly to the public's understanding of how and whether the government is moving to effectuate the Secretary's order to terminate contracts for the operation of ICDC "as soon as possible."


Thank you for your consideration of this request. If this request is denied in whole or in part, we ask that they government justify all redactions by reference to specific FOIA exemptions. We expect the government to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny expedited processing or a waiver of fees. We look forward to your response to our request for expedited processing within 10 business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding our request for expedited processing, we alternatively look forward to your reply to this request within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A)(I).

We prefer to receive the records electronically via email to communitystrella@gmail.com, jordan@innovationlawlab.org, SamanthaF@whistleblower.org, lotto@nclej.org, danielle@sistersong.net, and laura@surlegal.org. Also, please notify us in advance if the cost of photocopying the documents requested exceeds \$100.

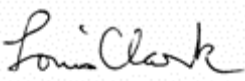
Sincerely,



Laura Rivera
Co-Founder
Sur Legal Collaborative



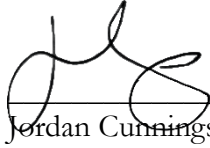
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